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HON'BLE SRI JUSTICE V.V.S.RAO

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WRIT PETITION No.841 of 2007

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Dated:22.08.2007

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Between:

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Ushakola Damodar.

...Petitioner.

and

The District Collector and others.

...Respondents.

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HON'BLE SRI JUSTICE V.V.S.RAO

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WRIT PETITION No.841 of 2007

ORDER:

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The petitioner is a resident of Raheempura in Korutla Municipality. He is allegedly owner of a house, bearing No.1-1-114/2, admeasuring Ac.0.05 guntas in survey No.478 situated Hajipura, Korutla, Karimnagar, having purchased the same from Palikunda Rajam. He filed instant Writ Petition alleging that the third respondent highhandedly marked the property for demolition without giving notice and without giving opportunity. Therefore, appropriate writ of mandamus is sought.

This Court, while ordering notice before admission, ordered *status quo*. The Mandal Revenue Officer has come forward with an application, being W.V.M.P.No.417 of 2007, to vacate the said order of *status quo*.

In the counter-affidavit filed along with the application for vacating the *status quo*, it is stated that out of the total extent of Acs.22.12 guntas of land in survey No.478, an extent of Acs.6.03 guntas is earmarked for construction of houses and the tin shed constructed by the petitioner is coming in the middle of the land earmarked for construction of houses. However, the same was not demolished and necessary action would be taken after issuing notice to the petitioner. It is also the case of the respondents that the petitioner is in possession of only 100 square yards and not Ac.0.05 guntas.

The W.V.M.P., was served on the learned Counsel for the petitioner on 19.02.2007. No reply-affidavit is filed. Therefore, the counter averments remained unrebutted. There is no reason to disbelieve the version of the respondents. After hearing the learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (General-T), this Court is of considered opinion, whether the petitioner is in possession of 0.05 guntas or 100 square yards of land and whether the shed constructed by the petitioner is

coming in the middle of the layout or not, the respondents are bound to issue notice to the petitioner and evict him in accordance with law. This position is also not denied.

Therefore, the Writ Petition is disposed of observing that in case the petitioner is to be evicted, the third respondent may give a notice, obtain explanation and pass necessary orders. If any adverse order is passed, liberty is given to the petitioner to approach the Revenue Divisional Officer by filing an appeal under Section 158 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli. No costs.

(V.V.S.RAO, J)

22.08.2007
GJ